

Board of County Commissioners of Lincoln County  
Agenda for September 18, 2024

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Public hearing to review and act upon Battery Energy Storage System permit #24-01 regarding the Scout Energy solar project
- 11:00 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH report
- 1:00 Work session to review and revise proposed septage application regulations
- 1:30 Jim Covington, Lincoln County Treasurer, to discuss the Lincoln County Treasurer's Office
- 2:30 Tom Nestor, Lincoln County Sheriff, to discuss the inmate fund account

-To be completed as time permits-

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1. Approve the minutes from the September 6, 2024, meeting
2. Review August 2024 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review August 2024 Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Human Services, Road & Bridge and Individual Road Districts
4. Review the August 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon the County Veterans Service Officer's Monthly Report and Certification of Pay
6. Discuss an appointment to the Republican River Water Conservation District Board of Directors
7. Discuss a vacancy on the Land Use Board
8. County Commissioner reports
9. County Attorney's report
10. County Administrator's report
11. Old Business
12. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 18, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, and Clerk of the Board Corinne M. Lengel attended. County Attorney Stan Kimble attended until 2:45 p.m., and commissioner candidate Terry Jaques attended until 1:45 p.m. Land Use Administrator Ty Stogsdill was there when the meeting started, as were Bob Karsted and Pat Landess with Scout Clean Energy.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance.

Regarding the September 6 meeting minutes, Mr. Burgess said he thought one of the conditions the Board imposed on the Sandy Hill Solar Farm pertained to decommissioning; however, the minutes or resolution didn't reflect it. Mr. Stogsdill said the regulations included decommissioning, which Mr. Kimble felt was adequate. Mr. Landess noted that Colorado statutes held provisions for owners and operators to perform regular reviews concerning decommissioning.

Mr. Stone moved to approve the meeting minutes for September 6, 2024. Mr. Ewing seconded the motion, which carried unanimously.

The Board reviewed the August 2024 reports from the Assessor, Clerk & Recorder, and Treasurer. The commissioners also reviewed the August 2024 statements of revenues and expenditures for the General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Human Services, and Road & Bridge funds, and the individual road districts.

Kelly Lowery arrived at 9:15 a.m. and introduced Abby Brower, who would be working with her.

The group moved to the jury assembly room for the 9:30 a.m. public hearing regarding Battery Energy Storage System permit #24-01 for the Scout Clean Energy, LLC, solar project. The hearing recording will remain in the County Clerk's vault for the statutory period.

Mr. Burgess opened the hearing, cited the rules, and asked Land Use Administrator Ty Stogsdill for the permit and project information.

Mr. Stogsdill stated that Scout Energy submitted the original permit application in December 2023; the county had no BESS regs and put the permit on hold until the county adopted them on August 6, 2024. Scout submitted an addendum to the Special Use Permit application and paid all applicable fees. The Land Use Board had not considered or reviewed the application since no battery regulations existed. Mr. Kimble had nothing further to add except that adopting the resolution did not require a recommendation from the Land Board.

Pat Landess and Bob Karsted with Scout Clean Energy, LLC, handed out paperwork that included a memo, preliminary project design, and an informational flyer. Mr. Landess noted that the memo provided the electrical diagram and specification sheet for the proposed 50 MWh facility

with a four-hour discharge duration and up to seventy-five BESS containers. They wouldn't determine the exact model and number of containers until the final engineering phase. The battery chemistry is Lithium Ion Phosphate and includes eighteen inverters with three BESS containers per inverter, for a total of fifty-four BESS containers. The company would install the battery enclosures and Power Conversion Stations (PCS) on shallow concrete or pile foundations, with DC cables installed between them in aboveground cable trays or trenches. Using a 34.5 kV cable installed below grade, they would daisy-chain the PCSs to each other and back to the substation. Each BESS enclosure would include a thermal management system to maintain the battery temperature within the manufacturer's operating range and a system to ensure the individual battery cells stayed within their temperature, voltage, and power limits. If exceeded, the battery management system would generate alarms or shut down the system, depending on the severity.

Mr. Landess said the SUP required maintenance, drainage, fire mitigation, decommissioning, and emergency operations plans, and he addressed each of them. First, the Maintenance Plan described the project's O&M building, outlined details about ongoing waste removal, and defined the management of hazardous materials during operations. Scout Energy would provide ongoing maintenance to ensure grass and weed removal. As for the drainage plan, Scout Energy will develop a grading, drainage, and stormwater management plan before starting construction. Their lease agreements required a minimum 200' setback from any drainage source to prevent runoff. They were also obligated to provide drainage and erosion control structures and stormwater pollution prevention. Third, Scout Energy described a fire mitigation plan for the project, including BESS components. Based on final equipment procurement, Scout Energy will hire a Colorado-licensed fire protection engineer to prepare an emergency response plan and enlist the help of local emergency responders. Mr. Landess identified the Hugo, Kit Carson, Arriba, and Northeast Lincoln fire protection districts, Lincoln County EMS, and the Lincoln County Sheriff as interested stakeholders; Mr. Burgess also told him to include the Flagler Fire Protection District. Mr. Landess said that Scout Energy committed to a 20,000-gallon aboveground water storage container located adjacent to the fenced-in-battery area, typically fourteen feet in diameter and twenty feet tall. Addressing the decommissioning plan, Mr. Landess said they provided it in the environmental impact plan but noted that Scout Energy outlined a detailed plan for removing all equipment, including cost estimates and the bonding process. Lastly, Scout Energy would provide an emergency operations plan outlining emergency procedures in case of fire, explosion, etc., before commercial operations began.

Mr. Burgess asked for public comment, and Dean Saffer asked for a copy of the project design plans. He wanted to know what the batteries contained and if they had liquid inside them. Mr. Landess said they were fully enclosed metal containers with evaporative cooling, but moisture getting inside was possible. However, they perform proactive maintenance checks and safety reviews. Mr. Saffer asked about lightning strikes affecting them; Mr. Landess told him if a fire starts in one of the containers, the rest in the daisy chain automatically disconnect. When Mr. Saffer asked where Scout Energy would get the water for the storage tank, Mr. Landess said they hadn't determined it for sure but had a possible supplier in Limon. They must have a contract

for the water supply, but they would use it only in an emergency. If they needed to replenish the tank, they would have to truck water in.

Mr. Burgess commented that during the previous day's meeting, they learned that water wouldn't work to put out the fire; it would have to burn itself out. Mr. Landess agreed, stating that the water in the 20,000-gallon tank was there for use to prevent the fire from spreading further.

Mr. Burgess said there had been questions about the smoke composition. He'd read a New York article that said the smoke contained nothing more than what a house fire did. He asked Mr. Landess if the batteries had a separate fence, and Mr. Landess told him they were fenced separately from the facility and collection substation.

When Mr. Burgess mentioned the state's mulching requirements to minimize erosion, Mr. Landess said the lease agreements required revegetation and reclamation.

Mr. Saffer asked about the batteries' life expectancy; Mr. Landess said it is up to twenty years for the BESS. As they degrade, the company augments with new containers to maintain the 50 MWh and power generation.

Tony Vick, who stated he was the closest landowner to the proposed solar farm, asked what toxins the smoke, runoff, or other components released. Mr. Landess said that their understanding of the battery chemistry was that the components released gases, but they would provide that information in the EMS plan once they had it.

Mr. Vick also stated that the commissioners should take the Land Use Board's recommendations and advisement, but Mr. Stone said the Land Use Board wouldn't review this particular application. Mr. Piper clarified that Land Use Board members reviewed the entire package in May and approved the permit with the understanding that the commissioners would approve the BESS when the county had regulations.

Mr. Burgess again asked about chemicals or contaminants and how the company controlled them. Mr. Landess said the Emergency Operations Plan would provide procedures for any emergency and how to mitigate it. He said they could propose adding a condition requiring applicants to provide an analysis of any chemicals or contaminants the batteries discharged.

Mr. Vick said he appreciated all Scout Energy had done to alleviate any concerns but asked the commissioners to deny the application, stating it wasn't worth the risk to landowners' grass and water sources.

Mr. Landess noted that Scout Energy put safeguards in place for any equipment they procured to ensure it would operate in extreme weather conditions and said they were extremely low-risk. Mr. Ewing added that he'd heard that if a battery caught fire, the most prominent gas in

the air was hydrogen, which did not emit toxic fumes and supposedly had no long-term effects. He felt monitoring the air quality was a good idea.

Mr. Vick told the commissioners that while he understood their wishes to generate tax revenue for the county's declining tax base, the facility would be state-assessed. Mr. Burgess said the estimated annual county tax revenue was \$1.15 million, plus that generated for school and fire districts. The Scout Energy project would also bring in roughly \$2 million in use tax when the company applied for its building permit.

Mr. Saffer asked how efficient solar energy was compared to wind energy. Mr. Landess explained that this area had one of the strongest solar resources in the state, with uploads of 30% capacity. Wind energy was a little higher.

Mr. Burgess said it was worth noting that only eighty-nine fires since 2011 had been recorded worldwide.

Mr. Ewing asked Mr. Kimble to introduce Miss Lowery, who might have something to add. Mr. Kimble did so, asking Miss Lowery if they had solar farms in her area or the other counties she represented. Miss Lowery said they had mainly wind farms and, so far, no BESS. She sympathized that it was a difficult position and said the county faced what many other rural communities faced.

Mr. Ewing asked if the BESS containers had lightning rods. Mr. Landess said the entire electrical collection system had grounding components, including each container; there was ample protection against lightning strikes. He added that the storage containers were no taller than the solar array, and nothing was over twenty feet above the ground.

Mr. Burgess returned to the subject of monitoring the air for chemicals or toxic substances and said it would have to happen around the clock. Mr. Landess verified the additional conditions and said they would make the necessary changes and return them for approval before obtaining the building permit. He stated that Scout Energy didn't have plans for additional phases; in fact, they purchased more property than the project necessitated.

Mr. Ewing moved to adopt a resolution approving the Scout Clean Energy, LLC, Battery Energy Storage System permit #24-01, with additional conditions of chemical analysis, air quality monitoring, and one-half mile setbacks from occupied structures. Mr. Stone seconded the motion. Mr. Burgess called for a voice vote: Mr. Ewing, yes; Mr. Stone, yes; Mr. Burgess, yes.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on September 18, 2024, there were present:

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| Steve Burgess, Chairman        | Present |
| Wayne Ewing, Vice Chairman     | Present |
| Douglas D. Stone, Commissioner | Present |

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|------------------------------------|---------|
| Stan Kimble, County Attorney       | Present |
| Corinne Lengel, Clerk of the Board | Present |
| Jacob Piper, County Administrator  | Present |

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #1135** It was moved by Commissioner Ewing and seconded by Commissioner Stone to adopt the following resolution:

**A RESOLUTION GRANTING APPROVAL OF THE USE BY SPECIAL REVIEW AND BATTERY ENERGY STORAGE SYSTEM (BESS) PERMIT NO. BS #24-01 FOR THE SCOUT CLEAN ENERGY, LLC. DUNAWAY SOLAR ENERGY GENERATION PROJECT IN LINCOLN COUNTY, COLORADO.**

**WHEREAS**, Scout Clean Energy, LLC. (“Scout”) has applied for the approval of a Use By Special Review and Development Permit (“Project Approvals”) for the construction and installation of a Battery Energy Storage System (BESS) in accordance with the Lincoln County Application for Use By Special Review Permit submitted by Scout Clean Energy, LLC., dated December 18, 2023 (the “Application”). The property subject to the Project Approvals is described in the attached Exhibit A (the “Property”).

**WHEREAS**, the Property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

**WHEREAS**, Section 3-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review for BESS in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

**WHEREAS**, Scout Clean Energy, LLC. has obtained the consent of the owners of the Property to the Application and the Project Approvals in the form of leases and/or easement agreements which authorize Scout Clean Energy, LLC. to construct a BESS and to obtain the Project Approvals; and

**WHEREAS**, following public notice as required by Section 3-110 of the Lincoln County Zoning Resolution, the Lincoln County Land Use Board held a public hearing on May 7, 2024, at which hearing the Land Use Board approved the Use by Special review and Development Permit following the Land Use Board’s review of the Application, a presentation by Staff, a presentation by Applicant, testimony from the public, including the testimony of interested public agencies, and such other information as was brought before the Land Use Board at such hearing; and

**WHEREAS**, at a meeting of the Lincoln County Board of County Commissioners held on September 24, 2024, the Lincoln County Board of County Commissioners considered the application, the staff report prepared with regard to the Application, the decision of the Land Use Board, the record of proceedings presented to the County staff and the Land Use Board,

and such other information that was brought before the Board of County Commissioners at such meeting.

**NOW THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS:**

**I. APPROVAL:**

The application of Scout Clean Energy, LLC. for a Use by Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, repair, maintain, and operate the BESS shall remain valid for a period of 50 years, or until such time as Scout Clean Energy, LLC. , its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

**II. FINDINGS OF FACT:**

1. That proper notice has been provided as required by law for the public hearing before the Board.
2. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all pertinent facts, matters and issues were submitted and considered by the Board.
3. That the BESS as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
4. That the BESS is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.
5. That the BESS will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The BESS has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
6. That the BESS will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.

7. That the BESS will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities, bridges and septic systems to be developed in connection with BESS will comply with County standards.
8. The operating characteristics of the BESS shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
9. That an adequate water supply is available to provide water to BESS either through a public water supply system or wells adequate in quality and quantity to serve the development and approved by the State Engineer. The water supply will comply with all applicable requirements of the Colorado Water Quality Control Division and the State Engineer.
10. That the BESS will not cause significant deterioration of surface or groundwater resources. The BESS has been designed and will be constructed to:
  - a. Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water
  - b. Comply with applicable water quality standards
  - c. Control levels of point and nonpoint source pollution
  - d. Prevent any changes in seasonal flow rates and temperature for affected streams
  - e. Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces
  - f. Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs



11. That the BESS will not significantly degrade wetlands or other aquatic habitat and riparian areas. The BESS is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the BESS will not:
  - a. Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands
  - b. Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas
  - c. Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species
12. That the BESS will preserve the integrity of existing and natural drainage patterns. Where required by County standards, a stormwater retention system shall be provided to retain stormwater runoff in excess of historic flows and shall be designed for a 100-year flood.
13. That to the extent necessary, the BESS will be served by an adequate wastewater treatment system that meets all applicable County, state and federal standards.

### **III. CONDITIONS:**

1. Prior to obtaining any building permits there shall be in place a fully executed roadway agreement between Lincoln County and Scout.
2. A fire mitigation plan must be established prior to construction, that includes the initial and continued training of all local emergency agencies, and respective agencies associated with the local agencies through MOUs, that could respond to emergencies at the location of the BESS. The fire mitigation plan shall identify all chemicals that could be emitted in the event of a fire to the BESS.
3. Scout shall have a definite connection agreement with a power company prior to being granted a building permit.
4. Scout shall have a period of three (3) years after the date of issuance of the Lincoln County Development Permit BS #24-01 for implementation of the applicant's use of the Property for a BESS. In the event the applicant requests any extension of the one-year period for commencement of construction of the applicant's use of the Property for a BESS, as set forth in Section 1-210 of the Lincoln County Zoning Resolution and shall be at the sole discretion of the County and only for good cause shown.

5. Prior to the issuance of any building or construction permits, the Applicant and the Board of Lincoln County Commissioners shall enter into a written agreement which includes resolution of the fees to be paid by the Applicant relative to a combined permitting and sales and use tax assessment.
6. Air monitoring systems shall be built into the BESS site.
7. After considering the factors of this particular proposed Project, the setbacks for this BESS from occupied residents shall be increased to one-half (1/2) mile.

**BE IT THEREFORE RESOLVED** that a Use by Special Review and Development Permit is granted to Scout Clean Energy, LLC. to construct a BESS for the project known as the Dunaway Solar Project, in accordance with the terms of the Application, subject to the conditions set forth above. The Lincoln County Board of County Commissioners retains continuing jurisdiction over the Permit to address future issues concerning the site and to ensure compliance with the conditions of the Permit. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Ewing, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

ATTEST:

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Clerk of the Board

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Mr. Burgess ended the hearing at 10:22 a.m.

Mr. Burgess informed the audience that the company had three years to obtain a power purchase agreement or it would have to reapply; Mr. Ewing added that Scout Energy couldn't move forward with it until the county approved the building permit. Mr. Saffer thanked him for the clarification.

The group returned to the commissioners' meeting room, where the Board reviewed the

August 2024 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools and the County Veterans Service Officer's monthly report and certification of pay.

After discussing Will Bledsoe's expiring term on the Republican River Water Conservation District Board of Directors, Mr. Burgess left a message on his answering machine asking if he'd like the commissioners to appoint him to another term.

Discussing the vacancy on the Land Use Board, Mr. Ewing said Josh Leithead expressed interest in serving and moved to appoint him to replace Curt Dutro. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone reported attending the Eastern TPR meeting in Akron on September 9. They discussed the fact that seventeen counties received higher HUTF funds than others. On September 10, Mr. Stone attended the fair board meeting, which was their first meeting since the fair. They felt the fair went well overall and discussed how to improve the sale, get more people to come, and improving prices for the championship animals. CSU Extension hopes to hire someone to replace Emily Baylie by the end of September.

Lincoln Health CEO Kevin Stansbury arrived at 10:50 a.m.

Mr. Stone attended the County Health Pool meeting with Mr. Piper on September 12 and the bridge pre-bid meeting. Mr. Piper said the county went from Tier 2 to Tier 3, but had it left the pool and tried to get back in, it would have been at Tier 8. As a result, while the overall pool went up nine percent, the county's medical insurance premiums increased eleven percent. The pool's new high-deductible plan wouldn't save the county more money than the current plan. Mr. Piper said he'd report more at the budget meeting. The District 3 crew put in the tubes at County Road T on September 16. Mr. Stone attended the CECAA meeting on September 17 and the COSSA meeting at the fairgrounds that afternoon.

Mr. Stansbury gave the August Lincoln Health report at 11:00 a.m.

After he left, Mr. Kimble reported that he and Mrs. Lengel worked on a response to the ADA Accessibility letter she received from the Secretary of State's office on September 3. Mr. Piper had sent him the cost of repairing the District 2 county road right-of-way so he would inform the landowner. Mr. Kimble composed a resolution and attorney opinion for the Karval Water Authority loan approval.

Mr. Ewing reported attending the Eastern TPR meeting in Akron with Mr. Stone on September 9. They discussed projects completed and in progress. Chris Monks responded to an oil well fire and reported to Mr. Ewing that the loader had alternator problems. Mr. Ewing attended the fair board meeting on September 10; they felt it was a successful fair, regardless of a few glitches. Mr. Monks had ordered six loads of fuel at \$2.59/gallon and three loads at \$2.61.

On September 11, Mr. Ewing and Mr. Monks discussed the September 9 fire. He also told Mr. Ewing about a flat tire on a John Deere. He planned to take it and the truck transmission to Denver. Mr. Monks expressed concerns about the horsepower on the leased tractor; it was too much for the mower and would burn up the clutch instead of shutting down. One of their road graders had a weak battery.

Mr. Ewing attended the Big Sandy Bridge bid opening on September 12; the low bid seemed acceptable. He went to Akron for the CCI meeting on September 13. CPW gave a Colorado Outdoors Strategic Planning report. They also discussed the effects of SB24-212 on renewable energy projects. CSU Extension reported on the eastern region and discussed several legislative bills. Mr. Monks told him that the loader still had electrical issues whenever they took it from the shop to test it. Mr. Ewing attended the COSSA meeting at the Ellis Allen building on September 17. He felt the group did well staying on track and explaining solar energy safety. That night, Mr. Ewing attended the Genoa town board meeting; they would start looking for a new town clerk.

Mr. Burgess reported for the week of September 9-12. He spoke with Bruce Walters; District 2 planned to get two loads of crushed concrete from Limon to fix some bad spots on County Highway 109. Chris Monks let him know he'd contracted for 2025 fuel and what the prices were. Mr. Piper informed him that he'd received the estimate for the roundhouse bat removal, which was over \$56,000. Mr. Burgess attended the Ports-to-Plains conference in North Dakota. All the states along the corridor were taking steps for better roads, but Colorado still wouldn't even do the studies. They still hope that if the states bordering Colorado obtain the interstate designation, it will force Colorado to do something. Mr. Burgess called in to listen to the bid opening on September 12; he was impressed that the low bid was less than Mr. Miller's projection. Mr. Burgess completed the billing information for the farmer who damaged the District 2 road and took it to Mr. Kimble. He then went to Genoa and talked to Bruce Walters. The road crew had three mowers running and hauled gravel. 4 Rivers was installing a new hydraulic pump on their John Deere motor grader. Case International had to work on one of the leased tractors; they took one tractor back to the shop to work on. Mr. Burgess attended the COSSA meeting on September 17. He reported that they would meet with the School of Mines team in Genoa at 9:00 a.m. on Saturday, September 21. Mr. Burgess attended the Economic Development meeting at Mountain View Electric earlier this morning. Also, the road grader is back in operation, and the crew had four mowers running.

The group took a lunch break, and when they returned at 1:00 p.m., the commissioners held a septage regulation work session. Jason Culp and Dennis Nessler with Columbia Sanitary, Land Use Administrator Ty Stogsdill, and Public Health Specialist Kelly Alvarez attended. At 2:05 p.m., Mr. Burgess continued the work session until 9:30 a.m. on September 27. Ms. Alvarez agreed to continue reviewing the document and submitting suggested changes.

County Treasurer Jim Covington, Deputy Treasurer LaRay Patton, Ashley and Ryan Erwin, and Deputy Assessor Renita Thelen attended the 2:00 p.m. discussion. Mr. Covington officially announced his October 31 retirement and provided a letter of interest from Mrs. Erwin and a

letter of support from Mrs. Patton. Mr. Covington said transferring accounts would take time and asked the commissioner to appoint Ashley Erwin as the Lincoln County Treasurer and Public Trustee, effective November 1, 2024.

Mrs. Lengel said that CRS 1-12-209 dictated that "...any officers elected or appointed to fill vacancies...shall qualify and enter upon the duties of their offices immediately thereafter." Also, according to CRS 1-12-210, "All appointments under this article shall be evidenced by an appropriate entry in the minutes of the meeting of the governing board, and the appointing body shall cause a notice of appointment and the oath of office to be delivered to the person appointed." Mrs. Lengel asked Mr. Kimble if that meant the commissioners had to wait until their October 30 meeting to appoint Mrs. Erwin, and he said it did.

Sheriff Tom Nestor and Captain Michael Yowell arrived at 2:15 p.m.

Mr. Ewing asked Mrs. Patton if she was interested in the position, and Mrs. Patton said she had no desire to be the Treasurer and fully supported the decision to appoint Ashley Erwin. Mrs. Thelen said the assessor's office also supported Mrs. Erwin.

The group left, and Land Use Administrator Ty Stogsdill returned.

The commissioners met with Sheriff Nestor and Captain Yowell at 2:25 p.m. The sheriff explained that when an officer arrests a person and brings them to the jail, deputies deposit their money into the Fusion System, a kiosk for them to use in the commissary while incarcerated. When the inmate bonds out or gets released, the sheriff's office returns anything left over. The county makes a small percentage on commissary items, which it must then use to pay for inmate-related items: blankets, pillows, etc. For better tracking/auditing, Sheriff Nestor said they would like to set up an account with the Treasurer for the funds that don't go back to the inmate. They currently have \$2,000 to deposit and would estimate collecting around \$1,000 per month going forward. Mr. Piper said the Treasurer could create a revenue line item in the budget, and Captain Yowell said they would like to rename some line items but would discuss them at the budget meeting.

Mr. Ewing asked about the leased vehicle program, but Sheriff Nestor said the more they discussed it, the less comfortable they were. While it looked good for the first three years, the county would be paying around \$400,000 by the fourth year and wouldn't own a vehicle. He said they would discuss it further, and they left.

Mr. Piper asked if the commissioners wanted to accept the \$56,683 quote from Wildlife, Inc. to remove the bats from the roundhouse or if they wanted to request a quote from the other company. Mr. Stone said he'd like to have at least two.

Mr. Piper reported receiving a phone call from one of the September 6 hearing attendees at noon. They wanted to know how to appeal the Board's decision regarding the Sandy Hill Solar Project. Mr. Kimble said they would have to contact an attorney, and the group briefly

discussed the Land Use Board of Adjustment. Mr. Kimble said he would research its duties but wanted to know if the county adopted rules for it. Mr. Piper assumed the original resolution forming the Board of Adjustment might outline duties, but he wasn't sure. Mr. Kimble and Mr. Stogsdill left at 2:45 p.m.

Mr. Burgess brought up increasing the landfill rates again and said Hugo Administrator Sara Lancaster suggested raising them from \$21/ton to \$24/ton. After a brief discussion, Mr. Ewing moved to increase the landfill rate from \$21/ton to \$24/ton, effective January 1, 2025. Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess asked Mr. Piper if he'd come up with a letter regarding shallow wells; Mr. Piper said he would get it done.

With no further business to discuss, Mr. Burgess adjourned the meeting at 3:40 p.m.

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Corinne M. Lengel, Clerk of the Board

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Steve Burgess, Chairman